

Interview SummaryApplication No.
09/923,413Applicant(s)
Seki et al.Examiner
Ljiljana V. CiricArt Unit
3753

All participants (applicant, applicant's representative, PTO personnel):

(1) Ljiljana V. Ciric (3) _____
 (2) R. Eugene Varndell, Jr., Reg. No. 29,728 (4) _____

Date of Interview Oct 17, 2003

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: n/a

Identification of prior art discussed:
n/a

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Examiner Ciric telephoned Attorney Varndell, Jr. to inform him of the procedure to be followed to request replacement, as may be appropriate, of the first executed declaration (Paper No. 3, filed 9/27/2001), which fails to refer to the first preliminary amendment (Paper No. 5, filed 8/8/2001), with a declaration which does refer to the aforementioned preliminary amendment. Examiner Ciric explained that, since the FIRST EXECUTED declaration (Paper No. 3, filed 9/27/2001) did NOT properly refer to the aforementioned preliminary amendment as required by MPEP 608.04(b), merely filing a SECOND EXECUTED declaration does not correct the situation. Based on advisement obtained from the Office of Patent Legal Administration, applicant must, along with all requisite fees and a properly executed replacement declaration, file a petition under 37 CFR 1.182 requesting that the first filed executed declaration be disregarded and that the application be treated as if it were filed without a declaration. Attorney Varndell, Jr. indicated disagreement as to the necessity of the procedure as outlined by Examiner Ciric. LVC 10/17/03
 (A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

LJILJANA V. CIRIC
PRIMARY EXAMINER
ART UNIT 3753

Examiner's signature, if required

Examiner Note: You must sign this form unless it is
 an Attachment to a signed Office action.